

1984 WL 249847 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 27, 1984

\*1 William M. Brice, Jr., Esquire  
York City Attorney  
Post Office Box 275  
York, South Carolina 29745

Dear Mr. Brice:

Mr. Medlock has referred your recent letter to me. You have stated that it is yours and the York Municipal Election Commission's belief that the York County Registration Board may assist the Municipal Election Commission in handling absentee votes. You have requested this office to advise you as to whether or not we agree with this interpretation.

The absentee laws have been substantially re-written this year and clarify the question you have raised. South Carolina Code of Laws, 1976, Section 7-15-410, as amended, now reads as follows:

In each county there must be established an absentee voting precinct located in the office of the county board of registration. The county election commission, municipal election commission, county committee for each political party, or executive committee of each municipal party in the case of primary elections is responsible for the tabulation and reporting of ballots at the absentee voting precincts. The absentee ballots must remain in the custody of the county board of registration until transferred to the county election commission, municipal election commission, county committee for each political party or executive committee of each municipal party for the purpose of tabulation and reporting as provided in Section 7-15-420. (Emphasis added.)

Section 7-15-390 has now been amended to read that

[a]bsentee balloting in the primary, special, and municipal elections must be in accordance with the provisions of Title 7.

The sentences that you quote in your letter as to all boards cooperating have been stricken. Therefore, it would appear the only assistance the county board can give is the assistance set out in the provisions of Section 7-15-410.

I am enclosing a copy of these amendments to the absentee laws; however, it should be pointed out that as this Act concerns election changes, it must be submitted for Voting Rights Act review before the provisions of the Act can be implemented. At this date, the Act has not yet been precleared.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

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